



September 13, 2006

Subject: The Land Development Ordinance Committee

The Land Development Ordinance Committee (LDOC) met Wednesday, September 13, 2006, at 4 p.m., in Council Chamber located at 217 South Main Street, to discuss rewriting Salisbury's ordinance code. In attendance were Jake Alexander, George Busby, John Casey, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Johnny Safrit, Jeff Smith, Bill Wagoner, Vic Wallace, and Diane Young.

Absent – Karen Alexander, Bill Burgin (Co-chair), Phil Conrad, Steve Fisher, and Dee Dee Wright

NOTE: Graham Carlton no longer represents the ZBA and will not be attending future meetings. Ron Flemming will not be able to attend meetings and, therefore, has resigned.

Staff Present – Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, Patrick Ritchie, John Vest

Public – Karen Windate

The meeting was called to order with Mark Lewis, Co-chair, presiding. The minutes of the August 30, 2006, meeting were accepted as published.

Rodney Queen wants the minutes to reflect who is absent and who leaves early. Victor Wallace said he thought there should be a maximum threshold of absences to be able to vote on the ordinance. George Busby asked for a record of attendance. The committee will determine the threshold at the next meeting. In the future, the minutes will reflect who is absent.

HOUSEKEEPING

Members received a notice of the public forum scheduled for Monday, September 18, 2006, in the Council Chamber at 7 p.m. to review the map conversions. The updated chapter summaries were also distributed (dated 9/11/06). Chapter 4-Infill Standards are not yet finalized. Chapter 9 may help to answer questions about Chapter 5. Joe Morris provided an updated (expanded) schedule.

CHAPTER SUMMARIES

Revisions are not completed. Preston is presently working on Chapter 4.

Jake Alexander referred to page 3-11, Vehicle/Heavy Equipment Sales. Staff explained that this would be permitted in CMX, LI, HI and would not be permitted in TND (page 2-8). It is important to refer to the use matrix; staff demonstrated how to use the information. This is not a new way of coding.

Lynn Raker stated that Chapter 5 is basically a new chapter and they do not have anything to compare it to. This chapter exempts the industrial zones (LI and HI) and, single-family residential with lots 70 feet wide or greater with setbacks 40 feet deep or greater. This sets the standard for the basic requirements you would need to meet to go through the administrative process. You could still take things through the conditional district process (legislative). In 5-2, 5.4A, the line that says “all buildings to front on street or public face” was misleading and changed front to face. Buildings are to be oriented to the street. This was followed by discussion—5.4B describes the meaning of an entrance.

Dan Mikkelson discussed the position of buildings in various zones. “This ordinance is no longer trying to force the building to be out front in all zones the way the first draft did.” Mr. Lewis stated that they were trying to define the public realm, which is the streetscape.

Mark Lewis said there is an issue of “by right”; believe it or not we still have to protect the community – and the community has a right to have a voice. The question is, “How much”? There was feedback from builders about apartments, condominiums, and office development. Preston is working on the language to address their concerns. Jake is not comfortable with Conditional District and wants this process to be a positive and not a negative. Joe Morris pointed out that the term “Conditional District” is recognized in the statutes; this is a legal planning term. Mark Lewis said that page 2-44 has the definition of Conditional District and read it aloud in an effort to try to put the subject to bed. A Conditional District is its own mini code. The closest thing in the current code is the RDA, the RDB and the “S” District Zoning. Members wondered if there was a way to have multi-family without going to Conditional District. A long discussion followed.

Bill Wagoner had a list of comments. “This code dramatically pushes this community toward where we are telling private property owners what their facilities and private spaces must look like—scale, scope, architectural...there is no architectural review board in this community, so who will make these determinations? Who decided it is or is not good that synthetic stucco must only be 8 feet above the ground and why? This is beyond land use; we have gone to dictating the architectural style and usage in our code. This is a philosophical leap in our community.”

Mark Lewis stated that Council’s intent is to write a code that will enable the Salisbury Vision 2020 Comprehensive Plan.

Staff asked the committee to turn to page 5-14. As houses get closer together and density increases, they have to behave better. There is a list of 13 architectural features for smaller lots; if you would choose five architectural features you will meet the code requirements. Form-based codes address how the private realm addresses the public realm and how those two realms interact. The architectural standards are a separate issue.

George Busby and others believe the code needs an easy cross-reference. Staff will create sheets for each “How to.” “Campus Style” and “Open Space” each needs to be better defined in the ordinance. Chapter 7 discusses common area, recreational space, etc. Staff will revise 5.4a.

Karen Windate asked if it is possible that something like a nursing home be allowed in URP? Institutional is a building style; Joe Morris referred to the use matrix to assure the neighborhood it was protected.

The next LDOC full-committee meeting will be Thursday, September 28, 2006, at 4 p.m. in the Plaza Seminar Room located at 100 W. Innes Street on the second floor.

The meeting was adjourned at 6:00 p.m.

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